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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 JOHN QUINTERO,

Case No. 3:16-cv-00673-MMD-VPC

10 Plaintiff,

ORDER

11 v.

12 ROMEO ARANAS, *et al.*,

13 Defendants.

14 This action is a pro se civil rights first amended complaint filed pursuant to 42
15 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in*
16 *forma pauperis*. (ECF No. 1). Based on the financial information provided, the Court
17 finds that Plaintiff is unable to prepay the full filing fee in this matter.

18 The Court entered a screening order on November 13, 2017. (ECF No. 4). The
19 screening order imposed a 90-day stay and the Court entered a subsequent order in
20 which the parties were assigned to mediation by a court-appointed mediator. (ECF No.
21 4, 13). The Office of the Attorney General has filed status reports indicating that
22 settlement has not been reached and informing the Court of its intent to proceed with
23 this action. (ECF No. 17, 18).

24 Prior to the order scheduling the inmate mediation, Plaintiff filed a motion for
25 emergency injunction. (ECF No. 10.) Based on the motion, after Plaintiff transferred
26 prisons, he did not receive his legal materials with sufficient time to consider whether he
27 should opt out of the inmate early mediation. (*Id.* at 4.) Specifically, Plaintiff only had “an
28 18-day time period to consider opting out of the Early Inmate Mediation Program.” (*Id.*)

1 The Court denies the motion for emergency injunction.¹ Plaintiff did not establish
2 that he was likely to suffer irreparable harm by only having 18 days to decide if he
3 should participate in the inmate early mediation.

4 The Court denies the motion for request of service on ECF No. 10 and 12, but
5 grants Plaintiff's request for a copy of the docket sheet. (ECF No. 15).

6 For the foregoing reasons, it is ordered that Plaintiff's application to proceed *in*
7 *forma pauperis* (ECF No. 1) is granted. Plaintiff will not be required to pay an initial
8 installment of the filing fee. In the event that this action is dismissed, the full filing fee
9 must still be paid pursuant to 28 U.S.C. § 1915(b)(2). The movant herein is permitted to
10 maintain this action to conclusion without the necessity of prepayment of any additional
11 fees or costs or the giving of security therefor. This order granting leave to proceed *in*
12 *forma pauperis* will not extend to the issuance and/or service of subpoenas at
13 government expense.

14 It is further ordered that, pursuant to 28 U.S.C. § 1915(b)(2), the Nevada
15 Department of Corrections shall pay to the Clerk of the United States District Court,
16 District of Nevada, 20% of the preceding month's deposits to Plaintiff's account (John
17 Quintero, #93782), in the months that the account exceeds \$10.00, until the full \$350.00
18 filing fee has been paid for this action. The Clerk of the Court will send a copy of this
19 order to the Finance Division of the Clerk's Office. The Clerk of the Court will also send
20 a copy of this order to the attention of the Chief of Inmate Services for the Nevada
21 Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

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23 ¹Injunctive relief, whether temporary or permanent, is an "extraordinary remedy,
24 never awarded as of right." *Winter v. Natural Res. Defense Council*, 555 U.S. 7, 24
25 (2008). "A plaintiff seeking a preliminary injunction must establish that he is likely to
26 succeed on the merits, that he is likely to suffer irreparable harm in the absence of
27 preliminary relief, that the balance of equities tips in his favor, and that an injunction is in
28 the public interest." *Am. Trucking Ass'ns, Inc. v. City of Los Angeles*, 559 F.3d 1046,
1052 (9th Cir. 2009) (quoting *Winter*, 555 U.S. at 20). Furthermore, under the Prison
Litigation Reform Act ("PLRA"), preliminary injunctive relief must be "narrowly drawn,"
must "extend no further than necessary to correct the harm," and must be "the least
intrusive means necessary to correct the harm." 18 U.S.C. § 3626(a)(2).

1 It is further ordered that the Clerk of the Court electronically serve a copy of this
2 order and a copy of Plaintiff's first amended complaint (ECF No. 3, 3-1, 3-2) on the
3 Office of the Attorney General of the State of Nevada by adding the Attorney General of
4 the State of Nevada to the docket sheet. This does not indicate acceptance of service.

5 It is further ordered that service must be perfected within ninety (90) days from
6 the date of this order pursuant to Fed. R. Civ. P. 4(m).

7 It is further ordered that, subject to the findings of the screening order (ECF No.
8 4), within twenty-one (21) days of the date of entry of this order, the Attorney General's
9 Office shall file a notice advising the Court and Plaintiff of: (a) the names of the
10 defendants for whom it accepts service; (b) the names of the defendants for whom it
11 does not accept service, and (c) the names of the defendants for whom it is filing the
12 last-known-address information under seal. As to any of the named defendants for
13 whom the Attorney General's Office cannot accept service, the Office shall file, under
14 seal, but shall not serve the inmate Plaintiff the last known address(es) of those
15 defendant(s) for whom it has such information. If the last known address of the
16 defendant(s) is a post office box, the Attorney General's Office shall attempt to obtain
17 and provide the last known physical address(es).

18 It is further ordered that, if service cannot be accepted for any of the named
19 defendant(s), Plaintiff shall file a motion identifying the unserved defendant(s),
20 requesting issuance of a summons, and specifying a full name and address for the
21 defendant(s). For the defendant(s) as to which the Attorney General has not provided
22 last-known-address information, Plaintiff shall provide the full name and address for the
23 defendant(s).

24 It is further ordered that, if the Attorney General accepts service of process for
25 any named defendant(s), such defendant(s) must file and serve an answer or other
26 response to the first amended complaint within sixty (60) days from the date of this
27 order.

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1 It is further ordered that, henceforth, Plaintiff must serve upon defendant(s) or, if
2 an appearance has been entered by counsel, upon their attorney(s), a copy of every
3 pleading, motion or other document submitted for consideration by the Court. Plaintiff
4 must include with the original document submitted for filing a certificate stating the date
5 that a true and correct copy of the document was mailed or electronically filed to the
6 defendants or counsel for the defendants. If counsel has entered a notice of
7 appearance, Plaintiff will direct service to the individual attorney named in the notice of
8 appearance, at the physical or electronic address stated therein. The Court may
9 disregard any document received by a district judge or magistrate judge which has not
10 been filed with the Clerk, and any document received by a district judge, magistrate
11 judge, or the Clerk which fails to include a certificate showing proper service.

12 It is further ordered that this case is no longer stayed.

13 It is further ordered that the motion for emergency injunction (ECF No. 10) is
14 denied.

15 It is further ordered that the motion for request for service and copies (ECF No.
16 15) is denied in part and granted in part. The Clerk of the Court will send Plaintiff a copy
17 of the docket sheet.

18 DATED THIS 20th day of February 2018.

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21 MIRANDA M. DU
22 UNITED STATES DISTRICT JUDGE
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